

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID JON RAY,

Defendant.

No. 13-cr-30141-DRH

ORDER

HERNDON, Chief Judge:

This matter was referred to United States Magistrate Judge Donald G. Wilkerson for the specific purpose of conducting a change of plea for defendant Ray, pursuant to 28 U.S.C. § 636, LOCAL RULE 72.1(b)(2) and defendant Ray (Doc. 9). Pursuant to FEDERAL RULE OF CRIMINAL PROCEDURE 11, the change of plea hearing was held on July 23, 2013 (Doc. 4). During the change of plea, defendant Ray pled guilty to the indictment, attempting to evade or defeat income tax and being an unlawful user of a controlled substance in possession of a firearm, following a thorough colloquy with Judge Wilkerson. Thereafter, Judge Wilkerson issued a Report and Recommendation (“the Report”) recommending that the Court accept Ray’s plea of guilty (Doc. 10).


In accordance with 28 U.S.C. § 636(b)(1)(B), the parties were allowed fourteen days to file written objections. As of this date, neither party has filed an objection. Therefore, the Court **ADOPTS** the Report in its entirety. Thus, based on the record in the case, the recommendation of the Magistrate Judge, the

consent of the defendant to plead before the magistrate without subsequent objection, it is the finding of the Court in the case of *United States v. Ray*, that defendant Ray was fully competent and capable of entering an informed plea, that defendant Ray was aware of the nature of the charges and the consequences of the plea, and that the plea of guilty was a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offenses. Accordingly, the Court **ACCEPTS** the guilty plea and **ADJUDGES** Ray **GUILTY** on the charges in the indictment. The Court **REMINDS** the parties that this matter is set for sentencing on November 8, 2013 at 9:00 a.m.

IT IS SO ORDERED.

Signed this 21st day of August, 2013.

 Digitally signed
by David R.
Herndon
Date: 2013.08.21
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Chief Judge
United States District Court